

the Eminent Domain Act of Illinois (735 ILCS 5/7-102), requests approval of the Illinois Commerce Commission for the taking and/or damaging of certain properties owned by the Chicago Central & Pacific Railroad Company, a Delaware corporation, f/k/a the Chicago, Madison and Northern Railroad Company (the "Utility"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1. Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, 2000), Petitioner is engaged in a project to widen, reconstruct, and improve FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County.

2. Under the Illinois Highway Code, FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County is a part of and included in the State Highway System.

3. Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, 2000) provides:

"The Department, in its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4. The project to widen and improve FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County constitutes a public purpose, namely construction and improvement of the roadway, structures and intersections at or adjacent to FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County.

5. The Utility is subject to the jurisdiction of the Commission.

6. The Utility is title holder to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real property is located at or adjacent to FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County and the Petitioner has deemed it necessary to improve the structures and intersections at FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7. Petitioner has been authorized to acquire a perpetual easement for public highway purposes together with the right to permit others to use or operate, install, maintain, alter, repair, replace, renew, improve and remove other facilities and structures including but not limited to, underground communication lines, fiber optics, wire, or other means of electricity, voice data, video, digitized information, pipes and conduits, upon and beneath the surface of the said premises, and overhead wires, cables, and poles or other structures for the support of such facilities and structures to Parcel No. 1980563 , the legal description is set forth in Exhibit A, which Exhibit is attached hereto and incorporated by reference, and it is necessary for Petitioner to acquire said property for the above-described highway construction and improvement of the structures at FAP 307 (IL 64) from IL 53 to Villa Avenue in DuPage County for the use of the People of the State of Illinois.

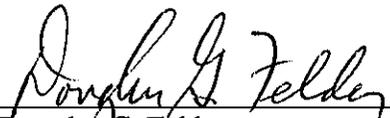
8. The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the Utility although Petitioner has attempted to effect such an agreement. Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

9. Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking or damaging of the Utility's property described in Exhibit A.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the above described real property of the Utility by the exercise of the right of eminent domain.

THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and
on behalf of the People of the State of Illinois

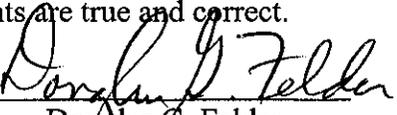
By: JAMES E. RYAN
Attorney General of Illinois

By: 

Douglas G. Felder
Special Assistant Attorney General

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

I, Douglas G. Felder, being first duly sworn, upon oath, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, I have knowledge of the contents thereof, and that on information and belief said contents are true and correct.



Douglas G. Felder
Special Assistant Attorney General

SUBSCRIBED and SWORN
to before me this 11th day of
March, 2002.

Notary Public

AFFIDAVIT OF SERVICE

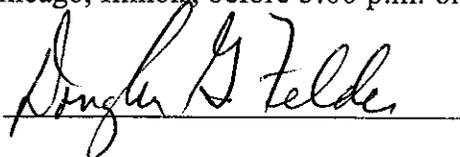
I, Douglas G. Felder, an attorney, certify that I served the foregoing Petition upon the following addresses at their respective addresses set forth:

VIA CERTIFIED MAIL AND U.S. MAIL

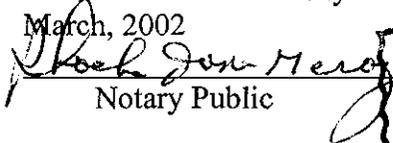
Illinois Commerce Commission
527 East Capital
Springfield, Illinois 62708 (original and three copies)

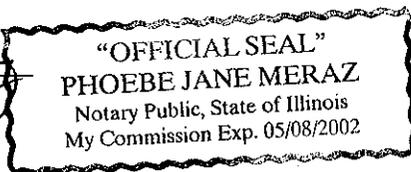
Thomas Zeinz
Chicago Central & Pacific Railroad Company
c/o Illinois Central Railroad Company
17641 South Ashland Avenue
Homewood, IL 60430

by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at 20 South Clark Street, Chicago, Illinois, before 5:00 p.m. on the 12th day of March, 2002



SUBSCRIBED and SWORN
to before me this 12th day of
March, 2002


Notary Public



Douglas G. Felder
Douglas G. Felder, P.C.
Special Assistant Attorney General
20 South Clark Street
Suite 2000
Chicago, Illinois 60603
312/634-3509

Owner: Chicago Central & Pacific Railroad
Company, a Delaware Corporation

Route: FAP 307 (IL 64)

Section: IL 53 to Villa Avenue

County: DuPage

Job No.: R-91-008-91

Parcel: 1980563 PE

PIN: 06-04-508-001, 06-04-508-002

Station:

That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 4, Township 39 North, Range 11 East of the Third Principal Meridian, described as follows:

Commencing at the intersection of a line 50.00 feet west of and parallel with the east line of said Northwest $\frac{1}{4}$ of Section 4 and a line 25.00 feet southwest of and parallel with the centerline of the main track of the Chicago Central & Pacific Railroad; thence on an assumed bearing of North 1 degree 10 minutes 09 seconds East along said line 50.00 feet west of and parallel with the east line of said Northwest $\frac{1}{4}$ of Section 4, said line being the west line of an existing permanent easement described as Parcel No. 0001PE-A on Document No. R84-72155 recorded September 7, 1984, 36.76 feet to the point of beginning; thence North 44 degrees 51 minutes 58 seconds West, 52.58 feet; thence South 88 degrees 13 minutes 51 seconds West, 67.49 feet; thence North 71 degrees 24 minutes 05 seconds West along a line that is 10.07 feet northeast of and parallel with the centerline of the main track of the Chicago Central & Pacific Railroad, 55.00 feet to a point on the existing south line of North Avenue (Illinois Route 64); thence North 88 degrees 16 minutes 02 seconds East along the south line of North Avenue (Illinois Route 64), 142.93 feet to the northwest corner of the aforesaid existing permanent easement; thence South 45 degrees 14 minutes 36 seconds East along the west line of said permanent easement, 20.68 feet; thence South 1 degree 10 minutes 09 seconds West along the west line of said permanent easement, 42.49 feet to the point of beginning, in DuPage County, Illinois.

Said parcel contains 0.072 acres, more or less.

RECEIVED
OCT 05 2001
PLATS & LEGALS

EXHIBIT "A"

